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7 ATTORNEYS FOR DEFENDANT ZIEGLER-HOFFMAN
PROPERTIES

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 RICK FUTIA,
12 Plaintiff,
13 v.

14 ZIEGLER-HOFFMAN PROPERTIES,
15 Defendant.

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17 ZIEGLER-HOFFMAN PROPERTIES,
18 Cross-Complainant,
19 v.

20 MARGARITA HERRERA, FRANCISCO
GUTIERREZ and BURRITO FACTORY,
21 INC.,
22 Cross-Defendants.

CASE NO. C 06-06546 PVT

STIPULATION OF DISMISSAL AGAINST
THIRD PARTY DEFENDANTS AND
~~PROPOSED~~ ORDER

[Fed. R. Civ. Proc. 41(a)(2)]

23 Third Party Complainant Ziegler-Hoffman Properties ("Ziegler Hoffman") and Third
24 Party Defendants Burrito Factory, Inc., Margarita Gutierrez (formerly known as and named as
25 Margarita Herrera) and Francisco Gutierrez ("Third Party Defendants") stipulate as follows:
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1 Ziegler Hoffman and Third Party Defendants have reached a full and final settlement of
2 all issues in this action. A settlement agreement, which contains confidential terms, between
3 them has been fully executed.

4 Ziegler Hoffman hereby stipulates and agrees to dismiss the Action against Third Party
5 Defendants with prejudice, provided the Court retain jurisdiction until June 12, 2008 for the
6 purpose of enforcing the terms of the Settlement Agreement under the authority of Kokkonen v.
7 Guardian Life Insurance Co. of America 511 U.S. 375, 381-82 (1994) and Federal Rule of Civil
8 Procedure Rule 41(a)(2).

9 Third Party Defendants so stipulate.

10 **IT IS SO STIPULATED:**

11 DATED: AUGUST 21, 2007

BERLINER COHEN

12
13 BY: /s/ EILEEN P. KENNEDY

EILEEN P. KENNEDY

14 ATTORNEYS FOR DEFENDANT ZIEGLER-
HOFFMAN PROPERTIES

15 DATED: AUGUST 21, 2007

LAW OFFICE OF JOHN S. PERKINS

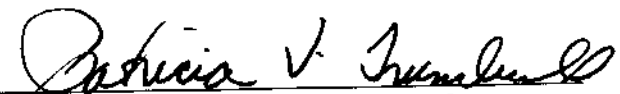
16
17 BY: /s/ JOHN S. PERKINS

JOHN S. PERKINS

18 ATTORNEY FOR THIRD PARTY DEFENDANTS
BURRITO FACTORY, INC., MARGARITA
19 GUTIERREZ (FORMERLY KNOWN AND NAMED
AS MARGARITA HERRERA), AND FRANCISCO
20 GUTIERREZ

21 **IT IS SO ORDERED:**

22 DATED: 9/10/07


United States District/Magistrate Judge